

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

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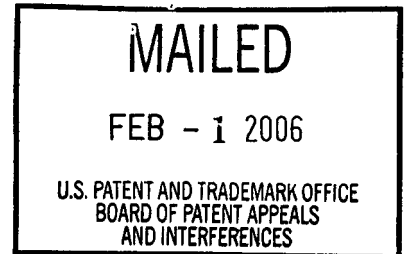
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOSEPH R. BYRUM,  
CONRAD HALLING, and  
DAVID KOVALIC

Appeal No. 2003-1666  
Application 09/521,640

**ORDER DISMISSING APPEAL**



Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge,  
ADAMS, Administrative Patent Judge.

Per curiam.

On December 22, 2005, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Accordingly, the appeal in this application is dismissed.

Appeal No. 2003-1666  
Application 09/521,640

The application is being returned to the examiner for further action as may be appropriate.

*Michael R. Fleming*  
Michael R. Fleming, Chief  
Administrative Patent Judge

  
Gary V. Harkcom, Vice Chief  
Administrative Patent Judge

  
Donald E. Adams  
Administrative Patent Judge

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